

D/F

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FRANCO MEDINA,

Plaintiff,

ORDER

-against-

16-CV-1407 (NGG) (JO)

RICARDOS MECHANICAL INC., EDISON  
MOORE, and LUANN WILLIAMS MOORE,

Defendants.

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NICHOLAS G. GARAUFIS, United States District Judge.

Plaintiff Franco Medina brings this Fair Labor Standards Act (“FLSA”) action against Defendants Ricardos Mechanical Inc., Edison Moore, and Luann Williams Moore. (Compl. (Dkt. 1).) On May 31, 2019, the parties submitted a letter motion requesting approval of their proposed settlement agreement. (Letter Mot. for FLSA Approval (Dkt. 51).) On June 4, 2019, the undersigned referred this request to Magistrate Judge James Orenstein for a Report and Recommendation (“R&R”). (June 4, 2019 Order.) On June 26, 2019, Judge Orenstein held a status conference, during which he discussed with counsel for the parties the reason he was unable to recommend approval of the proposed settlement. (June 26, 2019 Min. Entry (Dkt. 53)).

On July 22, 2019, the parties submitted a second letter motion requesting approval of a revised settlement agreement (Second Letter Mot. for FLSA Approval (Dkt. 54)), which Judge Orenstien declined to review because the proposed settlement was not executed by the parties. (See July 23, 2019 Order.) On July 25, 2019, the parties submitted an executed version of the revised settlement order. (Third Letter Mot. for FLSA Approval (Dkt. 56).) On August 5, 2019, Judge Orenstein issued an R&R concluding that the settlement agreement is fair and

reasonable. (August 5, 2019 R&R.) Judge Orenstein recommended that the court approve the settlement. (Id.)

No party has objected to Judge Orenstein's R&R, and the time in which to do so has passed. See Fed. R. of Civ. P. 72(b)(2). (See also Aug. 5, 2019 R&R.) Therefore, the court reviews the R&R for clear error. See, e.g., Charlot v. Ecolab, Inc., 97 F. Supp. 3d 40, 46-47 (E.D.N.Y. 2015); La Torres v. Walker, 216 F. Supp. 2d 157, 159 (S.D.N.Y. 2000).

Having found no clear error, the court ADOPTS IN FULL the R&R. Plaintiff's motion for approval of settlement (Dkt. 56) is GRANTED, and the parties are DIRECTED to file a stipulation of discontinuance.

SO ORDERED.

Dated: Brooklyn, New York  
August 29, 2019

S/ Nicholas G. Garaufis

NICHOLAS G. GARAUFIS  
United States District Judge